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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/815,896	03/23/2001	Valentin Chartier	5974-073	7890

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CLIFFORD CHANCE US LLP
31 WEST 52ND STREET
NEW YORK, NY 10019-6131

EXAMINER	
AMINI, JAVID A	

ART UNIT	PAPER NUMBER
2628	

DATE MAILED: 09/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/815,896	CHARTIER ET AL.	
	Examiner	Art Unit	
	Javid A. Amini	2628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *13 June 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☐ Claim(s) _____ is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1, 3, 5, 7, 13, 17-19, 21 and 23* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/13/2006 has been entered.

Allowable Subject Matter

Claims 9, 11, and 15 are allowed. The following is a statement of reasons for the indication of allowable subject matter:

a) receiving from a user an input comprising a script comprising one or more constraints relating to cell information, wherein at least one of said input constraints is selected from the group consisting of:

a) constraints relating to cell dimension;

b) constraints relating to the topology of a cell;

c) constraints relating to the history of the model evolution;

d) constraints relating to specific attributes of a cell; and

e) constraints relating to geometrical indications of a cell.

b) selecting the first constraint of said input and identifying the components of the CAD system that must be accessed to find geometric cells meeting the requirements of the constraint;

c) based on the received script, searching the cells of the model and retaining as a subset only the cells that meet the requirement of the first constraint of said input;

d) selecting the next constraint of said input and identifying the components of the CAD system that must be accessed to find geometric cells meeting the requirements of said next constraint;

e) searching the subset of cells and retaining in the subset only the cells that meet the requirement of said next constraint of said input; and

f) repeating steps d) and e) for each of the remaining constraints in said input.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 5 and 13 are rejected under 35 U.S.C. 101 because the claimed invention is directed to claimed signal that has no physical structure, does not itself perform any useful, concrete and tangible result and, thus, does not fit within the definition of a machine. When nonfunctional descriptive material is recorded on some computer-readable medium, in a computer or on an electromagnetic carrier signal, it is not statutory

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 3, 7, 17-19, 21 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wenhsyong Lin; Arvid Myklebust (hereafter refers as Lin), title of: A constraint-driven solid modeling open environment, June 1993.

Lin on page 233 right column at second paragraph teaches a parametric approach to define features is the major elements that a designer uses to describe the design. As for preamble of claim 1, "a computer system operation method for use with a CAD system in modeling objects, said method providing a means for identifying geometric cells of a model, in the method comprising". Lin in figs. 2-3 illustrates a rectangular shape that contains vertices, edges, and height with designed of a slot. In fig. 3 clearly identifying geometric elements, e.g., D1-D4. A user may be input one or more constraints to geometric elements that contains an angle (sin (T)), as for this part of the claim 1, "receiving input comprising one or more constraints relating to geometric cell information, wherein at least one of said input constraints is selected from the group consisting of". The cell has been defined in the specification on page 2 at second paragraph as each face of a box i.e. six cells, on the other hand the reference Lin in fig. 3 illustrates a brick that is contained six sides. Examiner believes that is similar to the claim language, as follows: a) constraints relating to cell dimension; b) constraints relating to the topology of a cell; c) constraints relating to the history of the model evolution; d) constraints relating to specific attributes of a cell; and e) constraints relating to geometrical indications of a cell. According to MPEP 2173.05(h)(1) the Markush-type claim examined fully with respect to the elected part (b) of the claim. As for last part of the claim, "for each constraint and for each of a plurality of geometric cells of a model, processing a declarative syntax specifying at least one

of said received input constraints to determine whether the cell meets the requirement of the constraint, wherein the declarative syntax is simple and intuitive". Lin on page 234 under section 2.0 teaches, it is the internal computer representation of objects. The data structure carries both topological and geometric information of a solid model.

Lin does not specify the declarative syntax is simple, however, official notice has been taken of the fact that "the declarative syntax is simple" is a common knowledge in the art, because any type of procedures may have more than one step, and it would have been obvious to one skilled in the art to modify Lin to identify geometric elements of a model in order to simplify declarative syntax.

Lin in fig. 3 illustrates demonstrating intuition of a brick. Examiner's interpretation of "syntax is simple" is having or composed of only one thing. Applicant requires providing more information about the terms "syntax is simple". Lin on page 237 under section 3.1 teaches constraint management class. Lin in fig. 3 shows list of geometric elements that meets the requirements of the constraints.

As to claims 24-25, see the rejection of claim 1.

As to claims 3, 7, 17-19, 21 and 23, see the rejection of claim1.

Claims 2, 4, 6, 8, 10, 12, 14, 16, 20 and 22 have been cancelled.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Javid A. Amini whose telephone number is 571-272-7654. The examiner can normally be reached on 8-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kee Tung can be reached on 571-272-7794. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Javid A Amini
Examiner
Art Unit 2628

JA

KEE M. TUNG
SUPERVISORY PATENT EXAMINER